Missouri Department of Natural Resources
Water Protection Program
Antidegradation Implementation Procedures
Advisory Workgroup Meeting
2/8/06
NOTES OFF THE FLIP CHART

Concerns about enforcement especially on National Ozark Scenic Riverways.

What about point sources on tributaries to either Nat'l or State Outstanding Resource Waters?

Concerns about defining OSRW

Need a process for OSRW – how do you nominate a new water?

TIER 3

Concerns about saying "we'll adjust the permit later." Not recommended without specific language in permit for process and timeframe.

What is baseline? Lower than what?

What actions would trigger an antidegradation review?

How will existing uses be identified and how will they be protected?

- Use taking place alone?
- Use taking place PLUS the water quality to support that? (check out what Rhode Island did)
- e.g. Parameter by parameter? e.g., Could be a Tier 1 for NH_3 but another Tier for another parameter.

Need to spend a lot of time and money monitoring!

Shouldn't just use water quality data. Need to take biota into consideration (e.g., rare/endangered species).

TIER 2

Needs to be tied to the standards (specific criteria basically). Then look at other things that would push it into higher or lower tier.

Ambient specific criteria VS required? Better? Worse?

SOCIO-ECONOMIC ANALYSIS (SEA)

What about Tier 1 doesn't require SEA but Tier 2 does?

Question: If did a SEA parameter by parameter, would, for example, a wastewater treatment plant have to do one for each parameter or one for a bundle of them that they feel they will exceed?

What about using another of EPA's guidelines for SEA that asks "tell us what you have researched in the way of other options to discharging." (e.g., Kentucky's application).

Looks like we need to focus on Tier 2 analysis and develop a usable, efficient process!

Is there a way to avoid writing a SEA on every single Tier 2?

We need to come up with a way to determine when a SEA is appropriate/necessary.

Look at current loading and then take a look at the percentage of that.

How much gunk can you add? 0%, 5% of remaining capacity? 10% of remaining capacity?

Phil: When a permit comes in on a Tier 2 stream, I ask myself 2 questions:
1.) Is the lower water quality warranted by a SEA?
2.) How much lowering should I allow?

If, for example, you allowed one Pt source to lower it 5% and then another Pt source comes along years later and wanted to lower it more. Then what? Would you have to have a cumulative analysis? A cumulative cap?

Either have to do multiple applications (SEAs) at one time or cumulative applications over time?

The difference between the Water Quality and the WQ Standard?

Percent of current loading vs. capacity.

Look at the "trading" alternative.
Look at loads from Point Sources and Nonpoint Sources for trading.

* Technology-based standards and NPS management plan (Want a presentation on how the State NPS Management Plan plays into this situation.)

What is required for implementation of BMPs for NPS?

Requirement for all Point Sources to meet regulatory requirements (i.e., tech-based standards) within the watershed.

Should we plan on two or more strawman drafts, because we know we will torch at least one?

public participation

cumulative impact, multi-dischargers

define area to review for impacts – geology

socio-economic impact analysis

Send everyone the link to the Ohio Valley Env. Coalition 2003 decision in W. Virginia.
EPA 279 F. Supp. 2d 732